

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL D. SIMS,

Plaintiff,

v.

SETH HUBER, *et. al.*,

Defendants.

Case No. C06-5171 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT
WITHOUT PREJUDICE


The Magistrate Judge recommends that this 42 U.S.C. § 1983 civil rights action be dismissed with prejudice for failure to state a claim. As detailed by The Magistrate Judge, the Plaintiff seeks to invoke this Court's jurisdiction to dismiss state criminal charges against him. The Magistrate Judge ordered Plaintiff to show cause why this action should not be dismissed for failure to state a claim. Plaintiffs' response fails to address the Younger abstention doctrine. See, Younger v. Harris, 401 U.S. 37 (1971). Dismissal will allow Plaintiff to litigate his claim in the state court and only after doing so, he may determine whether to seek redress in Federal Court any remaining cognizable federal claims.

The Court, having reviewed the Plaintiff's complaint, Report and Recommendation of

1 Magistrate Judge Karen L. Strombom, Plaintiff's response to show cause, and the remaining record,
2 does hereby find and ORDER:

- 3 (1) The Court adopts the Report and Recommendation;
- 4 (2) The complaint is **DISMISSED WITHOUT PREJUDICE**;
- 5 (3) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
6 Defendants, and to the Hon. Karen L. Strombom.

7 DATED this 1st day of August, 2006.

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10 FRANKLIN D. BURGESS
11 UNITED STATES DISTRICT JUDGE
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